

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25973 of 2023

Arising Out of PS. Case No.-196 Year-2022 Thana- BHITAHHA District- West Champaran

1. ASHOK DUBEY S/O LATE SURENDRA DUBEY Resident of Village- Narhawa, Tiwari Tola, P.S.- Vishunpura, District- Kushi Nagar (UP).
2. VINOD DUBEY @ BINOD DUBEY S/O LATE SURENDRA DUBEY Resident of Village- Narhawa, Tiwari Tola, P.S.- Vishunpura, District- Kushi Nagar (UP).
3. ASHUTOSH DUBEY S/O LATE SURENDRA DUBEY Resident of Village- Narhawa, Tiwari Tola, P.S.- Vishunpura, District- Kushi Nagar (UP).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 354(B), 307, 379, 447, 448 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.

The informant alleges that on account of dispute relating to land Abhitesh Dubey assaulted the husband of the informant by Bakua causing injury on the head thereafter



petitioner no. 1 assaulted him by lathi causing injury. It is further alleged that petitioner nos. 2 and 3 assaulted her nephew by Bakua causing injury on the head and petitioner no. 2 also snatched gold chain of her husband and Jintendra Dubey snatched Mangalsutra of wife of Rakesh Debey.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that an altercation had taken place on account of dispute relating to land between the informant and the petitioners. It is next submitted that injuries of the injured are simple in nature which amply demonstrates that it was never the intention of the accused persons including the petitioners to commit an assault leading to serious injury.

Learned A.P.P. for the State and the informant opposed the prayer for anticipatory bail of the petitioners. Learned counsel for the informant submits that process under Section 82 of the Cr.P.C. has been initiated against the petitioners.

Learned counsel for the petitioners rebuts the submission of the learned counsel for the informant and submits that petitioners were availing the remedy available in law when



during the pendency of the present anticipatory bail application the process under Section 82 of the Cr.P.C. was initiated.

Be that as it may, considering the submissions aforesaid, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bhitaha P.S. Case No. 196 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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